

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

RONALD JACKSON, et al,

Plaintiffs,

vs.

THE BOARD OF TRUSTEES OF
WOLF POINT, MONTANA,
SCHOOL DISTRICT NO. 45-45A, et
al.,

Defendants.

CV-13-65-GF-DLC-RKS

**FINDINGS AND
RECOMMENDATIONS TO
GRANT SUMMARY JUDGMENT
ON CLAIM I AND DISMISS
CLAIM II**

Plaintiffs allege the arrangement for electing trustees for the School District 45-45A causes some votes to carry more weight the others, to the detriment of the Plaintiffs, whose votes have less influence. Plaintiffs alleged two claims:

Claim I: the mal-apportioned districts violate Plaintiffs' rights under the equal protection clause of the Fourteenth Amendment of the United States Constitution;

Claim II: the mal-apportioned districts violate Plaintiffs' rights under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

Doc. 31 at 8.

Plaintiffs moved for summary judgment on Claim I. Doc. 37. The motion

was fully briefed. Doc. 38, 41, 42, 44. Plaintiffs and Defendants appeared, through counsel, for oral argument before the undersigned on January 23, 2014. Defendants conceded liability under Claim I, acknowledged that the voting districts are mal-apportioned, and agreed that remedial measures must be taken. The parties stipulated to dismissal of Claim II, which is moot in light of Defendants' admitted liability under Claim I.

The Court **FINDS:**

1. Defendants admit that the voting districts comprising School District 45-45A are mal-apportioned in violation of Plaintiffs' rights under the 14th Amendment of the United States Constitution.
2. The parties stipulate that Claim II, alleging a violation of the Voting Rights Act, is moot.

The Court **RECOMMENDS:**

1. The District Court should grant Plaintiffs' Motion for Summary Judgement on Claim I, Doc. 37.
2. The District Court should dismiss Claim II of Plaintiffs' Amended Complaint, Doc. 31.

Dated the 24th day of January, 2014.


Keith Strong
United States Magistrate Judge